IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2946 OF 2004

Bombay Intelligence Security(India) Ltd...Petitioner
Vs.
State of Maharashtra & Ors. ..Respondents

Mr.C.V.Singh with Mr. R.B.Suvarna for Petitioner
Ms. Lata S. Desai for Respondent No.3

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 26TH APRIL, 2005.

P.C.

. Rule. Heard forthwith.

. The Petitioners have approached this Court to challenge the communication dated 16th August, 2004 whereby a demand has been made on the Petitioners.

. On 19th April, 2005 the matter was adjourned to enable the Respondent to find out whether apart from the communication dated 16th August, 2004 any other order has been passed. On behalf of the Respondent learned Counsel produced the rozname entry. That would not constitute any order. A reply has been filed on behalf of the Respondent contesting the contentions of the Petitioners and setting out that they have paid the amount. Considering the judgment of the **Apex Court in Mohinderingh Gill Vs. Chief Election Commissioner,**

New Delhi, AIR 1978 SC 851, the order must speak for itself and it cannot be supplemental by reasons disclosed on affidavit in this Court.

. In the light of that the impugned order is liable to be set aside and remanded back to Respondent No.3 to pass a fresh order after considering the representation made by the Petitioners. Considering that time has elapsed, before passing afresh order Respondent No.3 to hear the Petitioners and thereafter to decide the representation made by the Petitioners.

. Rule made absolute in terms of prayer clause (a). Matter is remanded to Respondent No.3 to decide afresh after giving an opportunity of hearing to the Petitioners.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)